

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

JOVAN R. GUILLORY,

Plaintiff,

v.

CHRISTIAN PFEIFFER, et al.,

Defendants.

Case No.: 1:22-cv-01336 JLT SKO (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS, DISMISSING
CERTAIN CLAIMS AND DEFENDANTS

ORDER GRANTING PLAINTIFF'S REQUEST
TO PROCEED AGAINST DEFENDANT
ALCANTOR

(Docs. 19, 20)

Plaintiff alleges he suffered violations of his civil rights while housed at Kern Valley State Prison. (Doc. 18.) Previously, the Court screened Plaintiff's amended complaint and found he stated a cognizable claim against Defendant Alcantor for excessive force in violation of the Eighth Amendment. (Doc. 15.) The Court granted Plaintiff leave to amend to cure the deficiencies identified related to his other causes of action, but also informed Plaintiff that he could choose to proceed only on the cognizable claim. (*Id.*) Plaintiff filed a second amended complaint (Doc. 18), after which he filed a request to proceed on the claim against Alcantor (Doc. 19.) The magistrate judge screened the SAC, and again found Plaintiff stated a cognizable claim against Alcantar for excessive force. (Doc. 20 at 5-7.) However, the magistrate judge found Plaintiff failed to state claims for against any other defendants, including claims for deliberate indifference and due process. (*Id.* at 7-12.) Therefore, the magistrate judge recommended the matter proceed only on the cognizable claim against Alcantar. (*Id.* at 13.)

1 The Court served the Findings and Recommendations on Plaintiff and notified him that
2 any objections were due within 14 days. (Doc. 20 at 13.) The Court advised him that the “failure
3 to file objections within the specified time may result in the waiver of certain rights on appeal.”
4 (*Id.* at 13-14, citing *Wilkerson v. Wheeler*, 772 F.3d 834, 838-39 (9th Cir. 2014).) Plaintiff did
5 not file objections, and the time to do so has passed.

6 According to 28 U.S.C. § 636(b)(1), this Court performed a *de novo* review of this case.
7 Having carefully reviewed the matter, the Court concludes the Findings and Recommendations
8 are supported by the record and proper analysis. Thus, the Court **ORDERS**:

- 9 1. The Findings and Recommendations dated August 22, 2025 (Doc. 20) are
10 **ADOPTED** in full.
- 11 2. Plaintiff’s request to proceed on the claim against Alcantar (Doc. 19) is
12 **GRANTED**.
- 13 3. This action **PROCEEDS** only on Plaintiff’s Eighth Amendment excessive force
14 claim against Defendant Alcantar.
- 15 4. All other claims in the second amended complaint are **DISMISSED**.
- 16 5. Defendants Christian Pfeiffer, E. Stark, and N. Montanez are **DISMISSED** from
17 the action.
- 18 6. The Clerk of Court is directed to update the docket and terminate Christian
19 Pfeiffer, E. Stark, and N. Montanez as defendants.

20
21 IT IS SO ORDERED.

22 Dated: **September 17, 2025**


UNITED STATES DISTRICT JUDGE